

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXXII

PUBLIC SAFETY

750.493 Protection of exploration; pits and holes.

Sec. 493. Protection of exploration pits and holes—Any person who shall sink, dig or cause to be sunk or dug, any shaft, pit, hole or trench on any uninclosed or unoccupied land within this state to a depth of 4 feet or more, for the purpose of exploring for minerals or making other discoveries, and shall fail and neglect to fill the same or erect or cause to be erected and maintain or cause to be maintained around the same a good substantial fence or enclosure not less than 4 feet high, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.493.

Former law: See sections 1 and 2 of Act 188 of 1885, being How., §§ 9120a and 9120b; CL 1897, §§ 11527 and 11528; CL 1915, §§ 15266 and 15267; and CL 1929, §§ 16805 and 16806.

750.493a Placing or throwing glass or other debris on beach or public highway.

Sec. 493a. Any person who shall place or throw glass or other dangerous pointed or edged substances in or on any beach or waters adjacent thereto, highway, or walk, or on public property within 50 feet of a public highway, shall be guilty of a misdemeanor.

History: Add. 1949, Act 50, Eff. Sept. 23, 1949.

750.493b Well or cistern; abandoning or failing to keep safely covered or fenced; depth and width.

Sec. 493b. Any person who shall knowingly abandon or fail to keep safely covered or fenced any well or cistern of a depth of 4 feet or more and with a top width of 12 inches or more on property owned or occupied by such person shall be guilty of a misdemeanor.

History: Add. 1949, Act 237, Eff. Sept. 23, 1949.

750.493c Excavation or basement; failure to cover or fence.

Sec. 493c. Any person who shall hereafter dig or cause to be dug an excavation or a partially constructed basement for any building or structure, and who shall fail to cover or safely fence the same within a period of 90 days after such excavation has been commenced shall be deemed guilty of a misdemeanor.

History: Add. 1952, Act 102, Eff. Sept. 18, 1952.

750.493d Icebox or refrigerator; abandoned without removing snaplock or locking device, penalty.

Sec. 493d. Any person who knowingly leaves, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container of a kind and size sufficient to permit the entrapment and suffocation of a child therein, without first removing the snaplock or other locking device from the lid or cover thereof, is guilty of a misdemeanor.

History: Add. 1954, Act 135, Imd. Eff. Apr. 23, 1954;—Am. 1966, Act 68, Imd. Eff. June 9, 1966.

750.493e Jumping or diving from public bridge or overpass as misdemeanor; effective date of section.

Sec. 493e. (1) A person shall not jump or dive from a public bridge or overpass.

(2) A person who violates subsection (1) is guilty of a misdemeanor.

(3) This section shall not take effect until April 1, 1983.

History: Add. 1982, Act 238, Eff. Apr. 1, 1983.

750.494 Repealed. 2002, Act 262, Imd. Eff. May 1, 2002.

Compiler's note: The repealed section pertained to bells on sleighs and cutters in Upper Peninsula.

750.495 Shafting; erection to protect public.

Sec. 495. Shafting to be erected to protect public—All shafting put up for the running of machinery on exhibition in this state, where the public are invited to assemble, shall be so put up as to prevent any person or persons coming in contact with the same.

Any person or persons using shafting as named in this section, who shall refuse or neglect to comply with the same before setting said shafting in motion for exhibition, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.495.

Former law: See sections 1 and 2 of Act 156 of 1885, being How., §§ 2102q and 2102r; CL 1897, §§ 5550 and 5551; CL 1915, §§ 7219 and 7220; and CL 1929, §§ 8890 and 8891.

750.495a Damage to saws or wood manufacturing or processing equipment.

Sec. 495a. (1) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than \$500.00, or both.

(2) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person, and who, by doing so, causes injury to a person, is guilty of a felony, punishable by imprisonment for not more than 4 years, or by a fine of not more than \$2,500.00, or both.

(3) A person who drives or places in or on any tree or wood product, without the prior consent of the owner, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person, and who, by doing so, causes death to a person, is guilty of a felony, punishable by imprisonment for not more than 15 years, or by a fine of not more than \$7,500.00, or both.

(4) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(5) This section does not prohibit a landowner from attaching an alarm system to a tree, or authorizing an individual to attach an alarm system to a tree, on the landowner's property.

History: Add. 1996, Act 100, Eff. May 1, 1996.

750.496 Hotel or place of public abode; setting fire; posting notice.

Sec. 496. Any person who shall carelessly, recklessly or negligently set fire to any hotel, rooming house, lodging house or any place of public abode, or to any bedding, furniture, curtains, drapes, or other furnishings therein so as to endanger life or property in any way, shall be guilty of a misdemeanor.

In each sleeping room of all hotels, rooming houses, lodging houses and other places of public abode, a plainly written notice shall be posted in a conspicuous place as notice of the provisions of this act.

History: Add. 1947, Act 17, Eff. Oct. 11, 1947;—CL 1948, 750.496.

Former law: See sections 1 and 2 of Act 13 of 1919, being CL 1929, §§ 4774 and 4775.

750.497 Detouring traffic as public safety measure; notices, posting.

Sec. 497. Detouring traffic as public safety measure—Whenever in the opinion of the state highway commissioner a condition arises or is about to arise upon any of the highways of the state occasioned by the condition of said highway or by any approaching public gathering likely to bring unusual congestion of traffic thereon, and the public safety of persons using or about to use said highway is put in jeopardy, the state highway commissioner is hereby authorized by an appropriate order, to detour the traffic from or upon, provide the direction for any or all traffic, close to any or all traffic, or limit the traffic on said highway to certain classes of vehicles, under such conditions as he may in such order provide on any of the highways of the state of Michigan for such length of time as he may deem necessary.

Whenever the state highway commissioner shall make any order in any way regulating or closing traffic on any highways of this state under the authority of this section, he shall cause to be posted upon said highway in conspicuous places at each terminal of the restricted or closed highway, conspicuous notices of such regulations or closing order.

Any person violating any of the provisions of said order, or using said highway in any manner prohibited in said order after and during the time that notices of said order shall be properly posted as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than 10 dollars or by imprisonment in the county jail for not more than 10 days, or by both such fine and imprisonment in the discretion of the court.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 221, Eff. Oct. 29, 1937;—CL 1948, 750.497.

Former law: See sections 1 to 3 of Act 302 of 1929, being CL 1929, §§ 4629 to 4631.

750.498 Erection of traffic signals by township boards on trunk lines.

Sec. 498. Erection of traffic control signals by township boards on state trunk line highways—Upon

request of any township board, county road commission, or the officials of any incorporated city or village, or upon their own initiative, the state highway commissioner and the commissioner of public safety, acting jointly may investigate or cause to be investigated the traffic conditions on any state trunk line highway within this state, and, if upon such investigation they shall find it in the interest of public safety and convenience, they may direct the said state highway commissioner, township board, county road commission, city or village officials, to erect and maintain, take down, regulate or control such parking, speed and traffic control signs, signals or devices as the said state highway commissioner and commissioner of public safety shall designate, and in default thereof, said state highway commissioner and commissioner of public safety shall be authorized to cause such designated signs, signals and devices to be erected and maintained, taken down, regulated or controlled, in the manner previously directed, and pay for same out of the highway fund designated. A public record of any and all such traffic signs, signals or devices so authorized shall be kept in the office of the state highway commissioner. Any person who shall, on any state trunk line highway in any township, city or village, fail to observe any parking, speed or traffic signs, signals or devices authorized as aforesaid, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than 100 dollars or by imprisonment in the county jail for not more than 10 days or by both such fine and imprisonment in the discretion of the court.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 221, Eff. Oct. 29, 1937;—CL 1948, 750.498.

Former law: See section 1 of Act 85 of 1929, being CL 1929, § 4466.

750.498a Repealed. 1949, Act 300, Eff. Sept. 23, 1949.

Compiler's note: The repealed section provided for parking, speed, and traffic signs.

750.498b Marine safety device; tampering with, taking, or removing prohibited; violation; penalty; definitions.

Sec. 498b. (1) Except as provided in subsection (2), a person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(2) A person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device, and thereby renders the device unavailable or unusable for rescue when needed is guilty of a crime as follows:

(a) If the violation is the proximate cause of serious impairment of a body function of another person, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both imprisonment and a fine.

(b) If the violation is the proximate cause of the death of another person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both imprisonment and a fine.

(3) As used in this section:

(a) "Marine safety device" means a device designed or intended to be used to rescue individuals in marine emergency situations, including, but not limited to, life preservers, safety harnesses, ladders, lines, and throw rings.

(b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

History: Add. 2006, Act 233, Eff. July 1, 2006.

750.499, 750.500 Repealed. 1949, Act 300, Eff. Sept. 23, 1949.

Compiler's note: The repealed sections pertained to vehicles on highways to display lights from 1 hour after sunset to 1 hour before sunrise and school buses carrying school children to stop at railroad crossings.

750.501 Gasoline filling stations and public automobile garages.

Sec. 501. Gasoline filling stations and public automobile garages—Any person who shall build or construct, in any city having a population of more than 50,000 inhabitants and less than 100,000 inhabitants, on any site where 80 per cent of the buildings within a radius of 400 feet of the proposed site are used exclusively for residential purposes, any building for use as a public gasoline filling station for the sale of gasoline and oil, or either of them, to supply motor vehicles, or any public automobile garage, without filing with the clerk of said city the written consent of 60 per cent of the property owners according to total frontage on any public street within a radius of 400 feet of the proposed site of said building, shall be guilty of a

misdemeanor: Provided, however, In the event any city has a building ordinance or regulates and restricts the location of trades and industries and the location of buildings under Act No. 207 of the Public Acts of 1921 and acts and parts of acts amendatory thereof, being sections 2633 to 2641 inclusive of the Compiled Laws of 1929, this section shall not apply to such city.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.501.

Compiler's note: For provisions of Act 207 of 1921, referred to in this section, see MCL 125.581 et seq.

Former law: See sections 1 and 3 of Act 358 of 1925, being CL 1929, §§ 2652 and 2654.

750.502 Repealed. 2002, Act 252, Imd. Eff. May 1, 2002.

Compiler's note: The repealed section pertained to handling of gasoline, benzene, and naphtha.

750.502a Repealed. 1964, Act 256, Eff. Aug. 28, 1964.

Compiler's note: The repealed section prohibited reckless operation of motorboats or operation while under influence of intoxicating liquor or narcotic drugs.

750.502b Sale or attempted sale of kerosene with flash point of less than 100 degrees Fahrenheit as misdemeanor; penalty.

Sec. 502b. A person who knowingly sells or attempts to sell to any person in this state, for use in atmospheric pressure wick-feed illuminating apparatus or atmospheric pressure wick-feed heating stoves or in gravity-feed cook stoves, any kerosene, whether manufactured in this state or not, that has a flash point of less than 100 degrees Fahrenheit as determined by an appropriate closed cup tester method specified in the American standards of testing materials standard for kerosene, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00, or both.

History: Add. 1952, Act 47, Eff. Sept. 18, 1952;—Am. 1991, Act 44, Imd. Eff. June 27, 1991;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

750.502c Person with disabilities or trainer led by guide, leader, hearing, or service dog; refusing entry to or use of public or private accommodations as misdemeanor; conditions; identification card; list; definitions.

Sec. 502c. (1) A person who is an owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public or private housing, accommodation, amusement, or recreation, including but not limited to any inn, hotel, motel, apartment building, trailer park, restaurant, barbershop, billiard parlor, store, public conveyance on land or water, theater, motion picture house, public or private educational institution, or elevator, who refuses to permit a person with disabilities to enter or use the place when the place is available because the person with disabilities is being led or accompanied by a guide or leader dog, hearing dog, or service dog is guilty of a misdemeanor if the guide or leader dog is wearing a harness or if the hearing dog or service dog is wearing a blaze orange leash and collar, hearing dog cape, or service dog backpack, and the person with disabilities being led or accompanied has in his or her possession a pictured identification card certifying that the dog was trained by a qualified organization or trainer. The department of labor shall maintain a list of organizations or trainers that train guide or leader dogs, hearing dogs, and service dogs.

(2) A person who is an owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public or private housing, accommodation, amusement, or recreation, including, but not limited to, the places listed in subsection (1), who refuses to permit a trainer of guide or leader dogs, hearing dogs, or service dogs to enter or use the place when the place is available because the trainer is being led or accompanied by a guide or leader dog, hearing dog, or service dog is guilty of a misdemeanor if the guide or leader dog is wearing a harness or if the hearing dog or service dog is wearing a hearing dog cape or service dog backpack, if the trainer is being led or accompanied by an adult dog for the purpose of training the dog, and if the trainer has in his or her possession picture identification and identification stating that he or she is a representative or employee of an organization or trainer, or is a trainer, included on the department of labor list of organizations or trainers that train guide or leader dogs, hearing dogs, or service dogs.

(3) As used in this section:

(a) "Adult dog" means a domestic dog of the species *canis familiaris* that is 12 months of age or older.

(b) "Audibly impaired" means audibly impaired as defined in section 1 of 1981 PA 82, MCL 752.61.

(c) "Blind person" means a blind person as defined in section 1 of 1978 PA 260, MCL 393.351.

(d) "Deaf person" means a deaf person as defined in section 1 of 1981 PA 82, MCL 752.61.

(e) "Person with disabilities" means a person who is audibly impaired, blind, deaf, or otherwise physically limited.

(f) "Physically limited" means physically limited as defined in section 1 of 1966 PA 1, MCL 125.1351.

History: Add. 1953, Act 185, Eff. Oct. 2, 1953;—Am. 1980, Act 317, Eff. Mar. 31, 1981;—Am. 1984, Act 110, Eff. Oct. 1, 1984;—Am. 1995, Act 114, Eff. Jan. 1, 1996;—Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998.

Compiler's note: Section 3 of Act 110 of 1984 provides: "This amendatory act shall take effect October 1, 1984."

750.502d Transporting or possessing anhydrous ammonia; "container approved by law" defined.

Sec. 502d. (1) A person who transports or possesses anhydrous ammonia in a container other than a container approved by law, or who unlawfully tampers with a container approved by law, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(2) As used in this section, "container approved by law" means a container that was manufactured to satisfy the requirements for the storage and handling of anhydrous ammonia pursuant to R 408.17801 of the Michigan administrative code or its successor rule.

History: Add. 2003, Act 312, Eff. Apr. 1, 2004.